

SENATE BILL No. 236

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-183; IC 35-33-15.

Synopsis: Automated license plate readers. Prohibits a law enforcement agency from retaining license plate data captured by an automated license plate reader unless: (1) a comparison of the captured plate data with a data base shows that the data is relevant to an ongoing criminal investigation, the location of a missing person or a fugitive from justice, or the commission of a crime; (2) the person in whose name the license plate was issued requests retention of the data; or (3) the data was obtained under a warrant.

Effective: July 1, 2015.

Smith J

January 6, 2015, read first time and referred to Committee on Homeland Security & Transportation.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 236

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-31.5-2-183, AS AMENDED BY P.L.162-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 183. (a) "Law enforcement agency," for purposes
4 of receiving information concerning a violation of IC 35-42-3.5-1
5 (human trafficking), means:
6 (1) an agency or department of:
7 (A) the state; or
8 (B) a political subdivision of the state;
9 whose principal function is the apprehension of criminal
10 offenders; and
11 (2) the attorney general.
12 (b) "Law enforcement agency", for purposes of **IC 35-33-15 and**
13 IC 35-47-15, has the meaning set forth in IC 35-47-15-2.
14 SECTION 2. IC 35-33-15 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2015]:



Chapter 15. Automated License Plate Readers

Sec. 1. The following definitions apply throughout this chapter:

(1) "Alert data base" means a data base operated by the bureau of motor vehicles, a law enforcement agency, or the National Crime Information Center. The term includes the kidnappings and missing persons data base maintained by the Federal Bureau of Investigation.

(2) "Automated license plate reader" means a system of one (1) or more mobile or fixed high speed cameras combined with computer algorithms to convert images of license plates into computer readable data. However, the term does not include a device described in IC 8-15-2-14(a) that is used solely for the collection of tolls.

(3) "Captured plate data" means any data captured by or derived from an automated license plate reader, including GPS coordinates that relate to the location of a license plate, the date and time that data relating to a license plate was captured, a photograph, or a license plate number.

(4) "Law enforcement agency" has the meaning set forth in IC 35-47-15-2.

Sec. 2. Except as provided in section 3 or 4 of this chapter, a law enforcement agency may not retain captured plate data.

Sec. 3. (a) Captured plate data may be compared with data stored in an alert data base to determine if it is relevant to a circumstance described in section 4(2) of this chapter.

(b) If a comparison of captured plate data with an alert data base indicates that the captured plate data may be relevant to a circumstance described in section 4(2) of this chapter, the captured plate data may be retained for not more than twenty-four (24) hours to investigate and verify that the captured plate data is relevant to a circumstance described in section 4(2) of this chapter.

(c) The twenty-four (24) hour period described in this section begins at the time the plate data is captured by the automated license plate reader.

Sec. 4. A law enforcement agency may retain captured plate data for more than twenty-four (24) hours only under one (1) or more of the following circumstances:

(1) The captured plate data was obtained under a warrant.

(2) A comparison of the data with an alert data base shows that the captured plate data is relevant to:

(A) an ongoing criminal investigation;

(B) the location or identity of a fugitive from justice;



- 1 (C) the location of a missing person; or
2 (D) the commission of a crime.
3 (3) The person in whose name the license plate was issued
4 requests retention of the data.
5 Sec. 5. (a) Captured plate data is confidential.
6 (b) Except as provided in subsection (c), captured plate data
7 may not be transferred or sold to another person.
8 (c) Captured plate data may be exchanged with another law
9 enforcement agency if the captured plate data may be retained
10 under section 4 of this chapter.

